SEET THIAM HENG

v.

PUBLIC PROSECUTOR

COURT OF CRIMINAL APPEAL, SINGAPORE
WEE CHONG JIN CJ
LP THEAN J
P COOMARASWAMY J
[CRIMINAL APPEAL NO. 5 OF 1985]
29 JULY 1986

CRIMINAL LAW AND PROCEDURE: *Murder - Confession of accused - Overwhelming evidence.*

The appellant was convicted on 8 March 1985 of the murder of one Tan Guan Seng on 2 July 1980 at Pulau Ubin. The appellant confessed to the crime and was convicted. The appellant appealed.

Held:

The appeal was dismissed because the evidence was so overwhelming that any other verdict would have been a travesty of justice.

[Appeal dismissed.]

Legislation referred to:

Criminal Procedure Code [Sing], s. 121(6)

JUDGMENT

Wee Chong Jin CJ, LP Thean J, P Coomaraswamy J:

The appellant was convicted on 8 March 1985 of the murder of one Tan Guan Seng on 2 July 1980 at Pulau Ubin. We dismissed his appeal and now give our reasons. We begin with a brief summary of the facts. The deceased, a CISCO constable who was employed at a quarry in Pulau Ubin island, lived at his house No. 8F Pulau Ubin. The appellant used to work on the island in a chicken farm and knew the deceased.

At about 8.00 a.m. on 2 July 1980 a housewife, Tan Geok Neo, walking on the way to the market saw the appellant coming out of the deceased's house. Another person Chai Ah Soon, a boatman, saw the accused walking towards the island's jetty. Another boatman Tan Peng Huat said that the appellant boarded his boat at Pulau Ubin at about 8.20 a.m. that day to go to the Changi Creek jetty. In the boat, a passenger Chan Swee Man saw the appellant as did another passenger Yeo Siew Lian who said that the appellant sat with his back towards her and there were red stains on the back of his shirt.

A lodger Ong Boon Huat, who was occupying a room in the deceased's house, returned there at about 6.30 p.m. that evening and found the deceased's bedroom door closed and saw a piece of cloth was stuffed in a hole of the door. He suspected something was amiss and ran to the police post on the island and reported the matter. Two police officers went to the deceased's house and opened the bedroom door. They found the deceased lying face downwards, dead, on the floor with several gaping wounds on his neck and back.

A pathologist, Dr. Wee Keng Poh, who performed an autopsy on the deceased's body at 9.00 a.m. the following day, found 21 groups of stab wounds on the deceased's head and body. In one group alone there were 15 stab wounds which had cut through the wind pipe just below the voice box and through major arteries and veins. Dr. Wee said that each of these 15 wounds was sufficient in the ordinary course of nature to cause death. There were two other equally fatal injuries.

The appellant was engaged to Alimah binte Hamid who was expecting his child and they were living together at No. 953-C Yan Kit Village. She said that the appellant left the house at 9.00 p.m on 1 July 1980 and returned home at about 9.00 a.m. soaking wet. After a bath he left promising to return home in the evening but he never returned and she did not see him again till after his arrest which took place at Changi International Airport on 8 December 1981 when he arrived from West Germany. After his arrest, the appellant was taken to the Changi Prison Hospital for a medical examination and then brought to the Criminal Investigation Department at 6.10 p.m. where he was charged by Inspector Pereira with the murder of the deceased.

The appellant then made a s. 121(6) Criminal Procedure Code statement before Inspector Pereira who recorded it. At the trial the statement was challenged but after a trial within a trial the Court found that the statement was made voluntarily and admitted it in evidence. This finding was not challenged during the hearing of the appeal. The statement reads:

> I admit that I killed the person and I know his name as Tan. There was a misunderstanding regarding a Malay girl whom I had intentions to marry. I have been working in the farm and Tan is a CISCO police I knew for about two years. After I left my job, I asked Tan to try to get me another job. I went to his house on 2 July 1980 at around 6.30 a.m. to get a ferry from Changi Point. I arrived at Pulau Ubin at about 7 a.m. At Tan's house, the both of us had a conversation. The conversation turned bad. I lost my mind and I took a knife and stabbed him two on the front and two on the neck. At that time my mind was totally empty. So to kill him so that he would not spread rumours. I saw on a table a purse containing $600. After I took the $600, I took the knife that I used to kill Tan and put it in a basin at the washing place so that there will be no evidence against me. I too used the bedsheet to cover the body and I ran off. Before I ran off, a Chinese woman who knows me saw me outside the house corridor. It was raining at that hour. I went direct to the jetty and two of a boatmen that know me saw me on board the ferry. One of them asked me: `You looked sick'. He spoke in Cantonese and I left with this boat-owner. So I was frightened and in my mind I think that if I surrendered to the police, I would be hanged by the rope. So I ran across to Malaysia. From Malaysia I took a taxi to Thailand, from Thailand I took a plane to Hong Kong and straight to Rome, from Rome to Germany. In Germany I was arrested by police for theft. I was in prison for three months. On the day of my release, the police from Germany sent me back to Singapore by plane. That is all I have to say and whatever statement I gave here is true.

His defence at the trial was that the deceased was a homosexual who owed him $2,000 and to recover the debt he had at the request of the deceased gone to Pulau Ubin on the evening of 1 July 1980. He slept in a spare room of the deceased's house and in the early hours of 2 July 1980 the deceased came to his room and tried to make love to him. He resisted, ran out of the room into the kitchen where he picked up a knife and ran into the deceased's bedroom. When the deceased made further advances to him there he lashed out with the knife to defend his honour and as his mind was a blank he did not know on which part of the deceased's body the blows fell. Soon after he left the deceased's house he walked to

the jetty and took a boat back to Changi. Later that day he took a bus to Johor Bahru, Malaysia, and he went abroad. The Court disbelieved his defence and convicted him on the charge of murder.

We dismissed the appeal because the evidence was so overwhelming that any other verdict would have been a travesty of justice. It was a brutal murder.

Also found at [1987] 1 CLJ 101